



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**  
**990 Marsh Road**  
**Menlo Park CA 94025**

**MAILED**

**OCT 08 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Dominic Bennett, et al. :  
Application No. 10/721,117 : DECISION DISMISSING PETITION  
Filed: November 25, 2003 : UNDER 37 CFR 1.313(a)  
Attorney Docket No. CLAR 1067-1 :  
:

This is a decision on the petition under 37 CFR 1.313(a), filed October 1, 2010, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on July 1, 2010, with the issue fee being due on or before October 1, 2010. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note MPEP §§ 706.07(h)(IX) and 1308.*

Inquiries concerning this decision may be directed to Terri Johnson at (571) 272-2991.

The matter is being referred to Technology Center AU 3688 for appropriate processing of the RCE filed October 1, 2010, and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions